



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,735	05/24/2001	John C. Seibel	068082.0113	4250

31625 7590 10/04/2004

BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

EXAMINER

WONG, LESLIE

ART UNIT PAPER NUMBER

2177

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,735

Applicant(s)

SEIBEL ET AL.

Examiner

Leslie Wong

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06&12 August 2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 August 2004 has been entered.

Information Disclosure Statement

2. Applicants' Information Disclosure Statements, filed 06 and 12 August 2004, has been received, entered into the record, and considered. See attached form PTO-1449.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

Art Unit: 2177

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5 and 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Perkowski** (US 2003/0139975 A1) in view of **Knight et al.** ("Knight") (U.S. Patent 6,571,234 B1).

Regarding claims 1 and 7, **Perkowski** teaches a text mining system and method that permits an application service provider to provide data identifying prospective customers of a product or service provided by a product/service provider, comprising:

a). a data acquisition process for extracting text documents from Internet text sources (i.e., customer sends retailer product related email) selected from the group of: newsgroups, discussion forums, and mailing lists (§§ 92 and 175);

c). a archive database (i.e., central email server) for storing the extracted text documents (§§ 200 and 243);

d). a text mining server for receiving queries from the product/service provider database, each query representing a request for information about participants who are prospective customers of the product or service (§§ 43-44);

e). wherein the text mining server is further operable to analyze data in the database and a link to at least one document stored in the database that contains information identifying a prospective customer who is discussing the product or service

Art Unit: 2177

(i.e., registered manufacturer can access web documents that were reviewed by shoppers) (§s 0008 and 244);

f). a web server for providing access to the text mining server via a web browser and the Internet, such that the product/service provider may interact with the text mining server to make the requests on line via the Internet (Figs. 3A 10A and 3A 13A) and to receive the outputs generated by the text mining server (§ 243);

g). wherein the at least one link enables the product/service provider to access a text document from the archive data from the archive database via web server (i.e., email server) (§s 198, 243, and 244);

h). wherein the web server (i.e., email server) is different from the servers (central email server) for the text data (Fig. 3A 13C).

b). **Perkowski** teaches the consumer product information collection, transmission and delivery system – a central UPN/URL database management subsystem for storing and serving various types of consumer-product information to retailers, manufacturers and consumers (§s 176, 102-108, 248, and 244; Figs. 2D and 3A15B).

Perkowski does not explicitly teach wherein the text sources comprise a collection of text documents generated by participants of the text sources and broadcasted to multiple participants of the text sources.

Knight, however, teaches 'a collection of text documents generated by participants of the text sources and broadcasted to multiple participants of the text

Art Unit: 2177

sources' as discussions of recent stock movements, products offered, press releases, etc., are generated by users having access to the website and can include information, commentary, on any one of a variety of different subjects pertaining to company A. The users of the service provider compose these messages at their local computer systems, and then post the same to a server at the website (col. 2, lines 2-17).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Knight's** teaching would have allowed **Perkowski's** to better provide a community of users with a mechanism to learn from their collective experiences, knowledge, and opinions of other community members as suggested by at col. 5, lines 5-10.

e). **Perkowski** does not explicitly teach provide the product/service provider with outputs representing themes extracted from the data.

Knight, however, teaches 'provide the product/service provider with outputs representing themes extracted from the data' as the system intelligently classifies and stores messages by subject matter area/class/subclass in advance based on understanding the context of the posting for later search retrieval (col. 12, lines 20-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Knight's** teaching would have allowed **Perkowski's** to facilitate analysis and monitoring of message content traffic from the subscribers and other sources. This analysis can be used to tabulate data pertaining to frequency of information category usage. Thus, the

Art Unit: 2177

system can automatically builds content in proportion to subscriber popularity of such content such that information for any particular type of content is retrieved at a rate proportional to such subscriber popularity (col. 6, lines 25-35 and col. 7, lines 2-7).

Regarding claims 2 and 8, **Perkowski** further teaches wherein the text documents are items of digitally recorded correspondence (i.e., email) (§s 242-244).

Regarding claims 3, and 9, **Perkowski** further teaches wherein the text documents are digital voice records (i.e., Voice-over-IP applications) (§ 234).

Regarding claims 4 and 10, **Perkowski** further teaches wherein the data acquisition process is implemented with a web crawler (§ 266).

Regarding claims 5 and 11, **Perkowski** further teaches wherein a user profiles database, and wherein the mining server further accesses the user profiles database for use in formulating queries (§ 212, (3) building detailed profile).

Regarding claims 12 and 14, **Perkowski** further teaches the step of electronically delivering advertising to the prospective customer (§ 75).

Regarding claim 13, **Perkowski** further teaches wherein the advertising is a link to a website (§s 75 and 190).

Regarding claim 15, **Perkowski** further teaches performing a reverse lookup for additional information about the prospective customer and wherein the delivering step further includes delivering the additional information (§ 672).

Regarding claim 16, **Perkowski** further teaches a reverse lookup process for performing a reverse lookup, via the Internet, for contact information associate with the potential customer, and wherein the web server further provides the contact information with the query response (§ 672).

Regarding claim 17, **Perkowski** further teaches receiving from the product/service provider, via a web browser, an identification of one or more of the Internet text sources to be searched by the product/service provider (§ 751).

Regarding claim 18, **Perkowski** further teaches a repository for storing outputs generated by the text mining server (§ 176).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Perkowski** (US 2003/0139975 A1) as applied to claims 1-5 and 7-18 above, and further in view of **Levac et al. ("Levac")** (U.S. Patent 6,034,970).

Art Unit: 2177

Regarding claim 6, **Perkowski** teaches Voice-over-IP applications in instances where telephonic hand-sets are provided at the kiosk, as shown in FIG. 3A3 through 3A7 (¶234).

Perkowski does not explicitly teach a step wherein text sources are further selected from Internet voice-to-text files.

Levac, however, teaches a step of wherein text sources are further selected from Internet voice-to-text files (col. 4, lines 4-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Levac's** teaching would have allowed **Perkowski's** to offer more flexibility to users in the process of acquiring and selecting data on the Internet by enabling various types of communications mechanisms.

Response to Argument

5. Applicants' arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

Art Unit: 2177

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leslie Wong
Patent Examiner
Art Unit 2177

LW
29 September 2004